



ATLANTA POLICE DEPARTMENT COMMUNITY SERVICES DIVISION
CODE ENFORCEMENT SECTION



RODNEY BRYANT
Police Chief

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Deputy Chief

ADMINISTRATIVE IN REM PROCESS WORK SESSION

APRIL 21, 2022

AGENDA

SECTION

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COMPLIANCE RESOLUTION DIVISION STAFF

SECTION

2

INSPECTIONS WORKFLOW

SECTION

3

ADMINISTRATIVE IN REM PROCEEDINGS

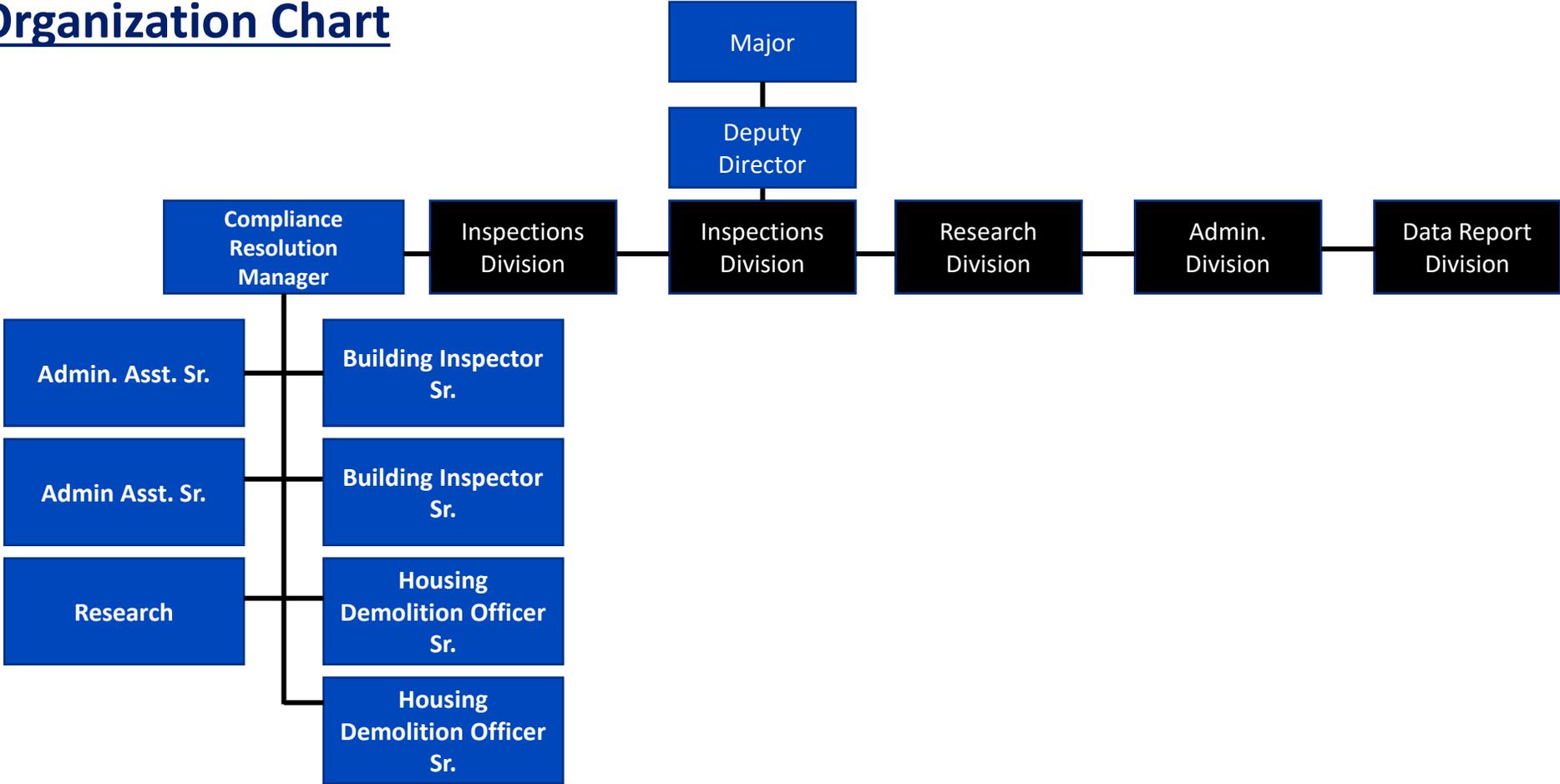


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COMPLIANCE RESOLUTION DIVISION STAFF

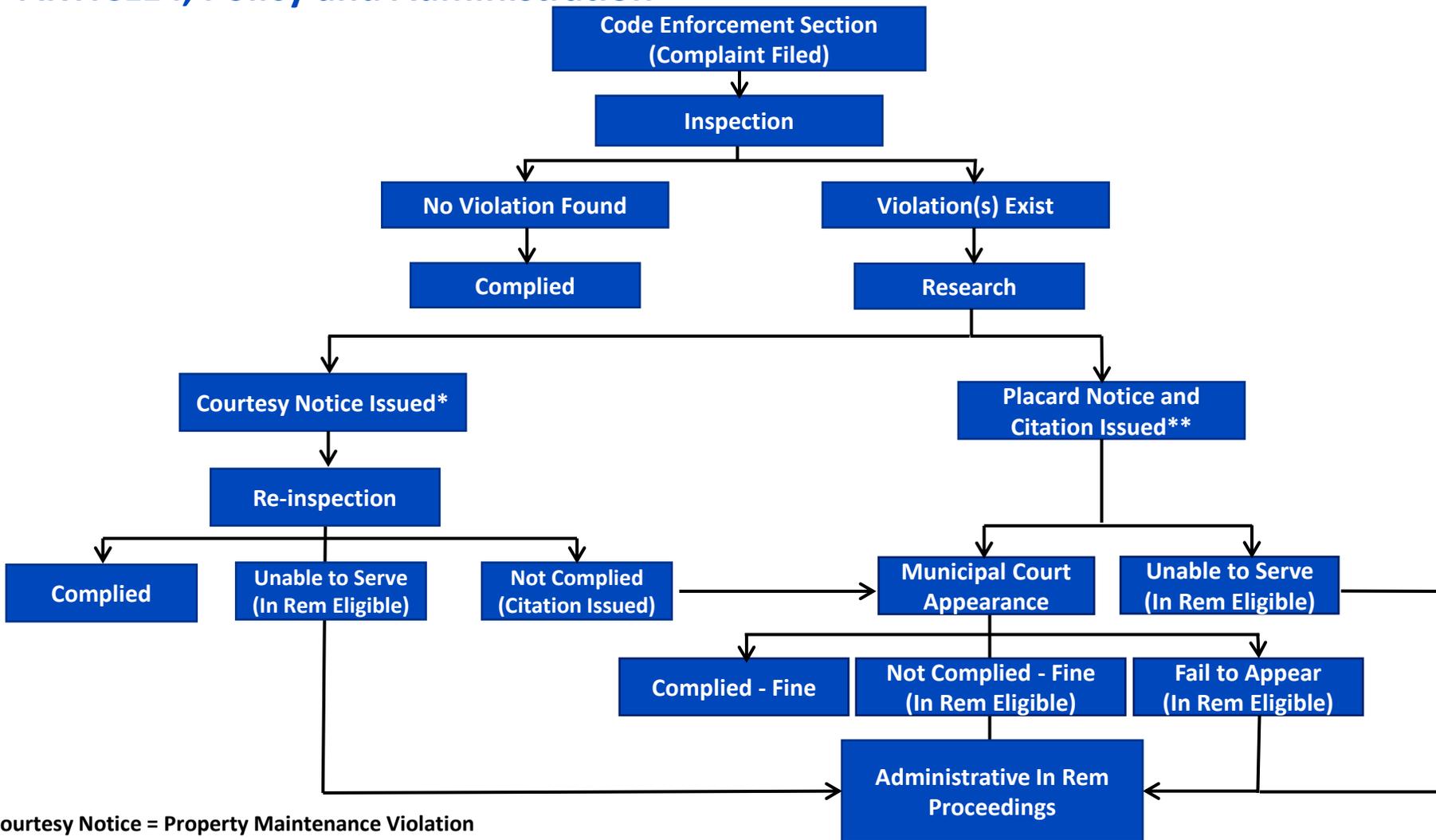
Organization Chart





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INSPECTIONS WORKFLOW – The Atlanta Housing Code of 1987
ARTICLE I, Policy and Administration



*Courtesy Notice = Property Maintenance Violation
**Placard Notice/Citation = Highly Hazardous Violation



ADMINISTRATIVE IN REM PROCEEDINGS

Administrative In Rem Process – The Atlanta Housing Code of 1987

Article III Proceedings:

Most used method: An Order of demolition or clean and close issued by the Administrative In Rem Review Board allowing the City to take action against property when an owner is non-responsive

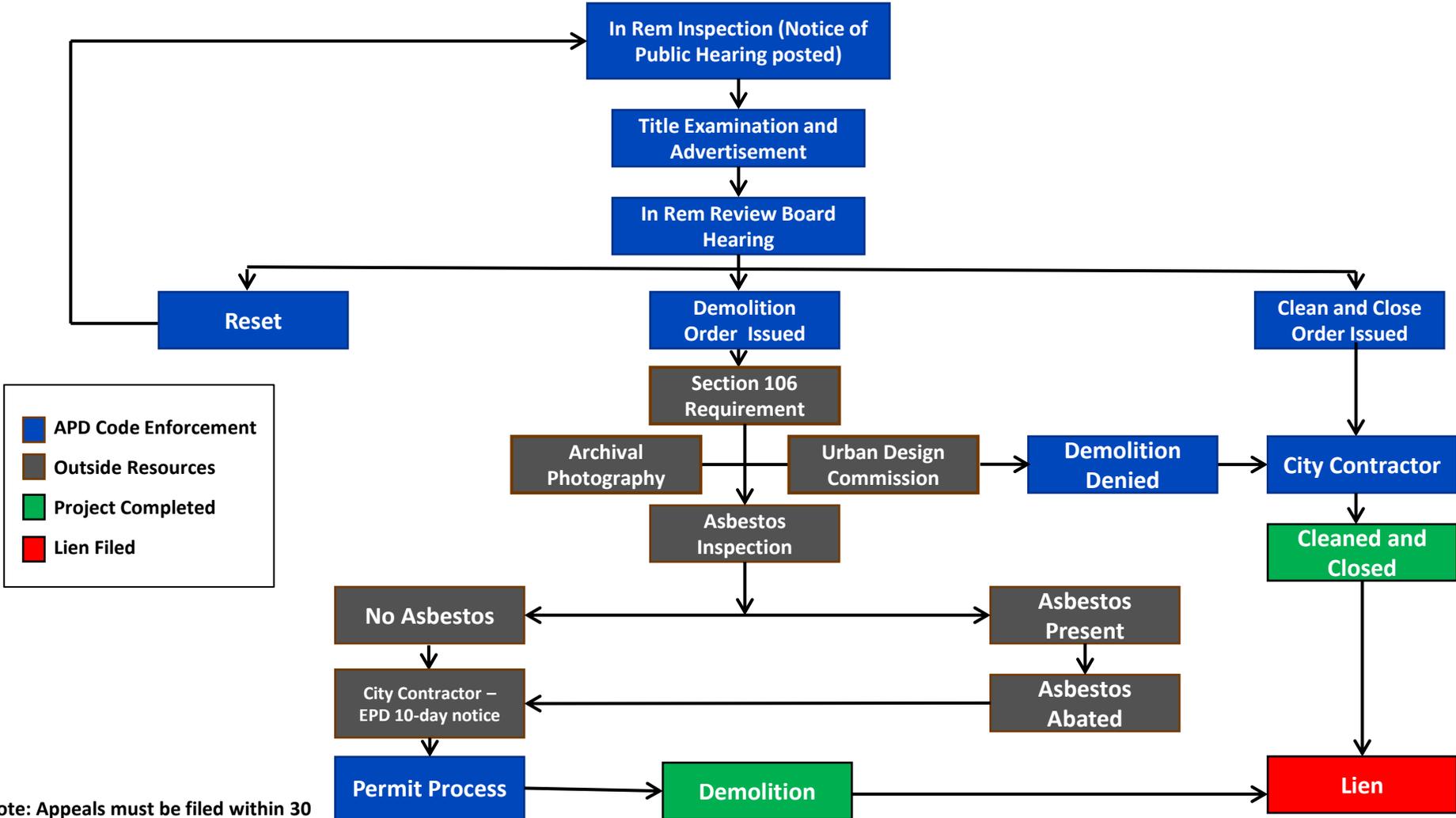
In Rem is a Latin term meaning action against property, not person. In Rem generally applies to a structure or building.

- Demolition Qualification: structure/building cannot be repaired at cost of less than 50% of the value, exclusive of foundation and lot
- Clean and Close Qualification: structure/building can be repaired at less than 50% of the value, exclusive of foundation and lot



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ADMINISTRATIVE IN REM PROCEEDINGS – WORKFLOW



Note: Appeals must be filed within 30 days after issuance of Order



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ADMINISTRATIVE IN REM PROCEEDINGS – ARTICLE III

Section 32 Inspection and Notice of Hearing; Section 39 Service of Notice and Orders

Hearing Preparation

- Property inspected by Sr. Housing Demolition Officer to confirm eligibility
- Public Notice of Hearing and Inspection posted on structure 14 days prior to hearing
- Title Examination Ordered
- Public Notices of Hearing and Inspection mailed via certified mail to listed owners and parties in interest along with instructions on how to bring property into compliance
- For unknown addresses of owners and interested parties, hearing notification shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to hearing
- A notice of lis pendens is filed in the office of the clerk of superior court in the county in which the dwelling, building, or structure is located prior to the hearing



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ADMINISTRATIVE IN REM PROCEEDINGS – ARTICLE III

Section 33 In Rem Review Board Hearing; Section 39 Service of Notices and Orders

Hearing and Post Hearing

- After listening to testimony from staff/ owner(s)/ parties in interest / public and viewing photographs of the structure taken by staff (and some submitted by the owner or community), members of the Administrative In Rem Review Board vote as to whether an Order of demolition is issued
- If an Order of demolition is issued, additional time is provided to bring the property into compliance (generally 30-120 days) depending on the scope of work required
- Demolition Order (stating compliance period) mailed via certified mail to listed owners and parties in interest along with instructions on how to bring property into compliance
- The structure is posted with neon orange WARNING placard stating the property is unfit for habitation or occupancy



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ADMINISTRATIVE IN REM PROCEEDINGS

Process Timeline

Demolition Process

- Owner provided additional time to bring property into compliance (**generally 30-120 days**)
- Request Section 106 Clearance through State Historic Preservation Office (generally takes up to 30 days)
- Request Environmental Clearance through Department of Grants and Community Development (generally takes up 90 days)
- Asbestos testing (generally takes up to 30 days)
- Project awarded to City contractor (asbestos abated if present)
 - Notification to Environmental Protection Division
 - Application submitted for demolition
 - Demolition Application issued
 - Demolition executed
 - Generally, takes up to 60 days



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ADMINISTRATIVE IN REM PROCEEDINGS

Steps on How to Apply for a Permit after an Order is Issued

1. Secure and remove trash and debris and overgrowth immediately
2. Request a Code Enforcement payoff for services rendered by the Atlanta Police Department Code Enforcement Section to Linda Curry at lcurry@atlantaga.gov
3. Upon receipt of payment, request a Conditional Placard letter from the Atlanta Police Department Code Enforcement Section
 - a. Email request to Cayward Wiggins at cwiggins@atlantaga.gov
 - b. Documents required to secure a Conditional Placard letter:
 - i. Proof of ownership (i.e. warranty deed, quit claim deed, settlement statement, etc.)
 - ii. Copy of owner driver's license
 - iii. Copy of demolition or redevelopment plans
4. Use link below for instructions on how to apply for building permit
 - a. <https://www.atlantaga.gov/government/department/city-planning>
5. For additional questions or concerns, please send email to admininremrequests@atlantaga.gov



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ADMINISTRATIVE IN REM PROCEEDINGS

City Council District 3



- May 2010 Complaints filed for abandoned structures
- Oct 2015 After several failed attempts to gain compliance from property owner, complaints transferred for City abatement
- Feb 2020 Order of demolition issued
- Nov 2020 Project awarded to City contractor to execute demolition
- Mar 2021 Permits issued



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ADMINISTRATIVE IN REM PROCEEDING

City Council District 3



- Apr 2021 Owner filed a temporary retraining order
- Apr 2021 Owner started demolishing buildings without required permits; City posted a Stop Work order
- Oct 2021 After several months of discovery, City entered into a consent agreement
- Jan 2022 Owner applied for demolition permits (applications stalled in Mar due to non-payment)



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ADMINISTRATIVE IN REM PROCEEDINGS

City Council District 4



- Feb 2015 Compliant filed for overgrowth and trash and debris
- Aug 2017 Complaint filed for overgrowth and dilapidated structure
- Jan 2022 Order of demolition issued
- Owner attended the virtual hearing
- Apr 2022 Owner failed to start process to rehabilitate property



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ADMINISTRATIVE IN REM PROCEEDINGS

City Council District 4



- July 2015 Compliant filed for overgrowth
- Subsequent complaints filed 2016, 2017 and 2019 for various violations
- June 2020 Received call from family member requesting additional time to comply due to probate challenges
- May 2021 Order of demolition issued (60 days to comply)
- Heirs attended the virtual hearing
- Jan 2022 AFRD responded to call regarding a fire in garage; responded to call following evening regarding fire in primary structure



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ADMINISTRATIVE IN REM PROCEEDINGS

City Council District 5



- May 2011 Compliant filed for overgrowth
- Subsequent complaints filed 2012, 2013, 2015, 2016, 2018 and 2019 for various violations
- Nov 2020 In Rem complaint reset to allow submittal of permit application
- April 2021 In Rem complaint reset Permit application pending
- July 2021 Order of demolition issued after two resets (60 days to comply)
- Owner attended the virtual hearing
- No permit issued



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ADMINISTRATIVE IN REM PROCEEDINGS

Common Factors Influencing Final Action to Achieve Compliance

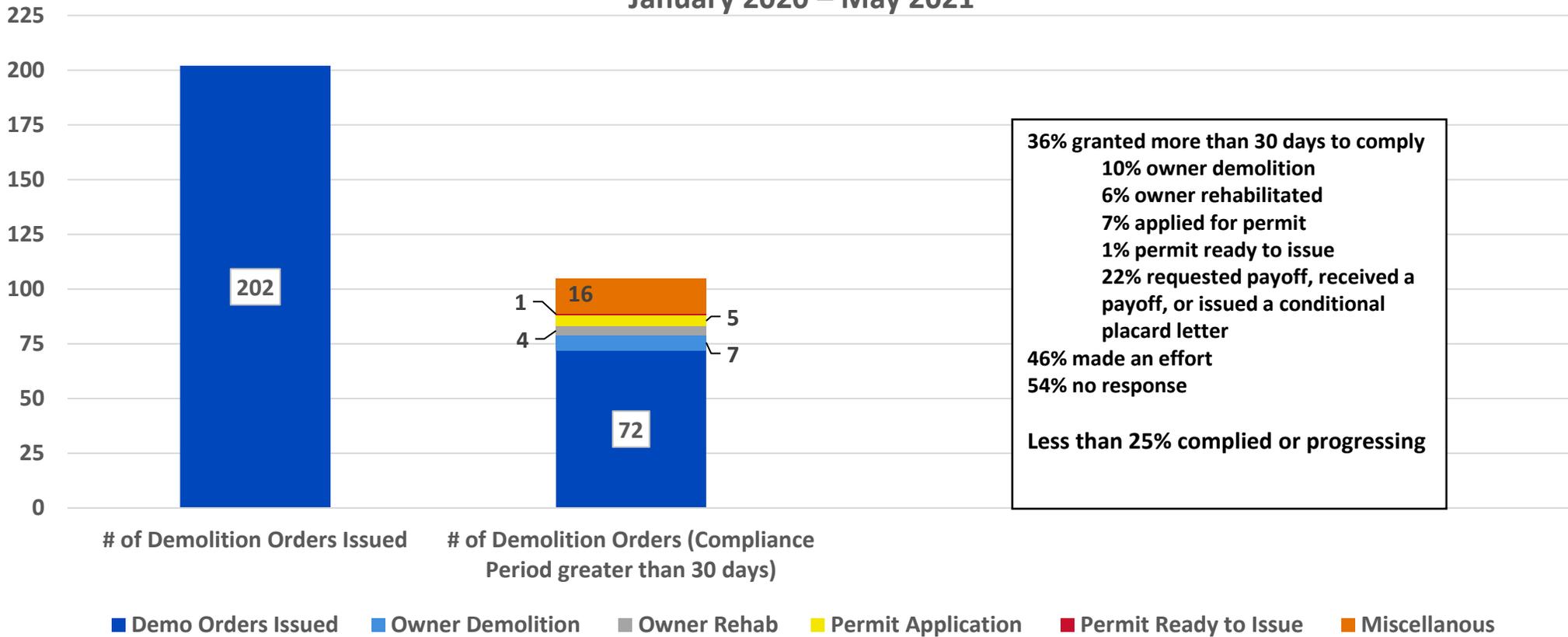
- Properties are not monitored
- Certified mail returned unclaimed
- Probate challenges
- Property purchased post filing of lis pendens and issuance of Order



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ADMINISTRATIVE IN REM PROCEEDINGS

Compliance Rate vs. Demolition Activity
January 2020 – May 2021



THANK YOU!